IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15717 of 2005

Between:

Yepuri Venkaiah, died by his L.R., Yepuri China Narsiah, s/o Venkaiah,
R/o Captain Banjara, H/o Jastipalli Village, Kamepally Mandal, Khammam District.

..... PETITIONER

AND

1. Government of Andhra Pradesh, rep., by its Secretary, Tribal Welfare Department, Secretariat, Hyderabad.

2. Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Khammam District.

3. Agency Divisional Officer and Special Deputy Collector, Paloncha, Khammam District.

4. Mandal Revenue Officer, Kamepally Mandal, Khammam District.

5. Gumpenapalli Buchaiah, s/o Venkateswarlu, R/o Captain Banjara, H/o Jastipalli Village, Kamepally Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of mandamus, declaring the order dt.5-3-2005 in C.M.A.No.20 of 2003 on the file of the 2nd respondent herein and also in action of the respondent No.1 herein in not granting stay of the said order of the 2nd respondent herein pending Revision before the 1st respondent herein which was filed on 7-7-2005 as illegal, arbitrary, unreasonable, contrary to the provisions of A.P.Scheduled Area Land Transfer

Regulation and also violative of Articles 14, 16 and 21 of the Constitution of India, and issue a consequential direction to the 1st respondent herein to set aside the order dt.5-3-2005 in CMA No.20 of 2003 on the file of the 2nd respondent herein and also further direct the 1st respondent herein to stay the operation of the said order of the 2nd respondent herein.

Counsel for the Petitioner: MR.M.RAJAMALLA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.5: --

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the inaction of the first respondent in passing any orders on the stay petition pending disposal of the revision filed by the petitioner.

According to the petitioner, the third respondent initiated proceedings under A.P. Scheduled Areas Land Transfer Regulation, 1959 and passed an order of eviction. Questioning the said order, he filed an appeal before the second respondent which was also dismissed on 05.03.2005. Against the said order, he filed a revision before the first respondent along with a stay petition seeking stay of eviction pending disposal of the revision. However, the first respondent did not pass any orders. Therefore, the petitioner has come up with the present writ petition.

The grievance of the petitioner is that pending disposal of the revision, if he is evicted, he would suffer irreparable loss and therefore his possession may be protected pending disposal of the revision by the first respondent-Government.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

As the revision filed by the petitioner before the first respondent is pending, the first respondent is directed to dispose of the same expeditiously, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that till the disposal of the revision by the first respondent, the fourth respondent is

directed not to dispossess the petitioner from the land to an extent of Acs.2.10 gts in Survey No.247 of Keptain Banjar, Jasthipalli village, Kamepalli Mandal, Khammam District.

The writ petition is accordingly disposed of. No costs.

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20.07.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Secretary, Government of Andhra Pradesh, Tribal Welfare Department, Secretariat, Hyderabad.
2. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Khammam District.
3. The Agency Divisional Officer and Special Deputy Collector, Paloncha, Khammam District.
4. The Mandal Revenue Officer, Kamepally Mandal, Khammam District.
5. 2CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)
6. 2CD copies.